AMENDMENTS TO THE DRAWINGS

Replacement sheets have been attached which have deleted the PCT and WO numbering from the header of the sheets.

Attachment: Replacement Sheet(s)
Annotated Sheet Showing Changes

REMARKS/ARGUMENTS

Claims 1-18 now stand in the present application, claims 1-9 having been amended and new claims 12-18 having been added. Reconsideration and favorable action is respectfully requested in view of the above amendments and the following remarks.

In the Office Action, the Examiner has objected to the drawings as having PCT and WO numbers in the header of each page. As noted above, Applicants have submitted replacement sheets with the numbering having been removed.

The Examiner has objected to the specification for not having proper headings and also for having WO and PCT numbers in the header of the pages. As noted above, Applicants have amended the specification in order to correct the deficiencies pointed out by the Examiner.

The Examiner has rejected claims 1-5 under 35 U.S.C. § 112, second paragraph, as being indefinite. As noted above, Applicants have amended claims 1-5 and in the amendments have endeavored to correct all of the technical deficiencies pointed out by the Examiner. Thus, the Examiner's § 112, second paragraph, rejection of the claims is believed to have been overcome.

The Examiner has rejected claims 1, 10 and 11 under 35 U.S.C. § 102(b) as being anticipated by Sasaki, and has rejected claims 2-9 under 35 U.S.C. § 103(a) as being unpatentable over Sasaki in view of Ishioka et al. ("Ishioka"). Applicants respectfully traverse the Examiner's §§ 102 and 103 rejections of the claims.

Applicants have amended the present claims to clarify that their invention involves predicting at the server end (i.e., prior to transmission of a data section) the future point in time at which commencement of the transmission of the data section would, if the receiver commences at the same time to play the data held already in its receiver buffer, avoid any underflow (i.e., emptying of the receiver buffer). Claim 2 has been amended to depend from claim 1 as amended. The remaining claims have been amended to ensure consistent wording with amended claim 1, and their dependencies have been corrected where appropriate. New claims 12 to 18 have been added to more completely define Applicants' inventions. In particular, new claim 16 relates to a server configured to implement the analysis steps recited in the method of claim 1.

In Sasaki, the monitoring of the buffer fullness is performed at the packet receiving apparatus (see Figure 1 which clearly shows the monitoring unit comprising a component of the decoding unit of the receiving apparatus). Accordingly, Sasaki does not teach or suggest the amended claims as discussed above.

Ishioka describes how advance prediction is provided for overflows and underflows, and adjusts which of the frames received by a receiver (data stream playback device 10) are eventually decoded to manage the buffer size. Applicants' invention, in contrast, determines at the server, when a sequence of data packets should be transmitted by predicting if the transmission rate of data packets forming a data section yet to be sent is sufficiently fast to enable the playback of data packets already held in the buffer to commence at the same time the data section is transmitted without the buffer emptying at any time during its transmission. The prediction can be

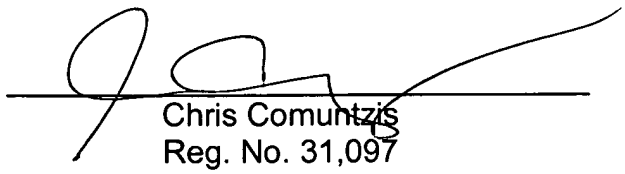
done on a packet by packet basis, or the results of the prediction performed for the previous packet in a data section can be used when performing the analysis of a subsequent packet in the data section. In this case, as soon as the prediction indicates that the buffer won't empty if a particular data packet is sent, the receiver is sent instructions to start playback of received data.

Accordingly, it should be clear that a person of ordinary skill in the art who read Sasaki and Ishioka would not be taught that it is possible to predict when a data section should be sent. Sasaki and Ishioka only consider what to do to monitor buffer fullness after data has been sent to the receiver. Thus, the present claims patentably define over the cited art taken singly or in combination.

Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all of claims 1-18, standing in the application, be allowed and that the case be passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a supplemental response or an Examiner's amendment, the Examiner is respectfully requested to contact the undersigned at the local telephone exchange indicated below.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
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